

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

APPELLATE DIVISION

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MARCIA COLON,	)	
	)	D.C. CRIM. APP. # 92-69
Appellant,	)	T.C. CRIM. # F41-1991 &
	)	F164-1991
v.	)	
	)	
GOVERNMENT OF THE VIRGIN ISLANDS	)	
	)	
Appellee.	)	
_____	)	

On Appeal from the Territorial Court of the Virgin Islands

Argued: December 29, 1993

Filed: May 25, 1994

**BEFORE:** **THOMAS K. MOORE**, Chief Judge, District Court of the Virgin Islands; **STANLEY S. BROTMAN**, Senior Judge of the United States District Court for the District of New Jersey, Sitting by Designation; and **MARIA M. CABRET**, Judge of the Territorial Court of the Virgin Islands, St. Croix Division, Virgin Islands, Sitting by Designation.

**APPEARANCES:**

Denise Francois, Esq.  
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*Attorney for Appellant*

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*Attorney for Appellee*

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ORDER OF THE COURT

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**AND NOW**, this 25th day of May, 1994, after careful review of the record and having considered the submissions and arguments of the parties; and for the reasons set forth in the Court's accompanying Opinion of even date;

**IT IS ORDERED:**

**THAT** appellant's sentence on Count V is **VACATED** and the judgment dated May 22, 1992 is **REVERSED** and this matter is **REMANDED** for the limited purpose of resentencing on Count V consistent with this Court's Opinion.

**FOR THE COURT:**

\_\_\_\_\_/s/\_\_\_\_\_  
**THOMAS K. MOORE, CHIEF JUDGE**  
DISTRICT COURT OF THE VIRGIN ISLANDS

A T T E S T:  
ORINN F. ARNOLD  
Clerk of the Court

BY: \_\_\_\_\_  
Deputy Clerk

Copies to: (with copy of Opinion)

Honorable Verne A. Hodge, Presiding Judge of the  
Territorial Court  
Denise Francois, Esq.

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